

## **IC 31-15-3**

### **Chapter 3. Actions for Legal Separation**

#### **IC 31-15-3-1**

##### **Applicability of Indiana Rules of Civil Procedure**

Sec. 1. Proceedings under this article must comply with the Indiana Rules of Civil Procedure.

*As added by P.L.1-1997, SEC.7.*

#### **IC 31-15-3-2**

##### **Cause of action established**

Sec. 2. A cause of action for legal separation is established.

*As added by P.L.1-1997, SEC.7.*

#### **IC 31-15-3-3**

##### **Findings required for decree**

Sec. 3. Legal separation shall be decreed upon a finding by a court:

- (1) that conditions in or circumstances of the marriage make it currently intolerable for both parties to live together; and
- (2) that the marriage should be maintained.

*As added by P.L.1-1997, SEC.7.*

#### **IC 31-15-3-4**

##### **Caption; verified petition; averments**

Sec. 4. A proceeding for legal separation is commenced by the filing of a petition entitled, "In Re the legal separation of \_\_\_\_\_ and \_\_\_\_\_". The petition must:

- (1) be verified; and
- (2) set forth the following:
  - (A) The residence of each party and the length of residence in the state and county.
  - (B) The date of the marriage.
  - (C) The date on which the parties separated.
  - (D) The names, ages, and addresses of:
    - (i) any living child less than twenty-one (21) years of age; and
    - (ii) any incapacitated child;of the marriage and whether the wife is pregnant.
  - (E) The grounds for legal separation.
  - (F) The relief sought.

*As added by P.L.1-1997, SEC.7.*

#### **IC 31-15-3-5**

##### **Dissolution of marriage action, provisional order or decree as bar to legal separation proceeding**

Sec. 5. A proceeding may not be commenced under section 4 of this chapter if:

- (1) an action for dissolution of marriage filed under IC 31-15-2-4 (or IC 31-1-11.5-3(a) before its repeal) is pending; or
- (2) a provisional order or decree based on a petition for

dissolution of marriage filed under IC 31-15-2-4 (or IC 31-1-11.5-3(a) before its repeal) has been granted.  
*As added by P.L.1-1997, SEC.7.*

### **IC 31-15-3-6**

#### **Residence**

Sec. 6. (a) At the time of the filing of a petition for legal separation under section 4 of this chapter, at least one (1) of the parties must have been:

- (1) a resident of Indiana; or
- (2) stationed at a United States military installation within Indiana;

for six (6) months immediately preceding the filing of each petition.

(b) At the time of the filing of a petition for legal separation under section 4 of this chapter, at least one (1) of the parties must have been:

- (1) a resident of the county; or
- (2) stationed at a United States military installation within the county;

where the petition is filed for three (3) months immediately preceding the filing of the petition.

*As added by P.L.1-1997, SEC.7.*

### **IC 31-15-3-7**

#### **Service of petition and summons**

Sec. 7. Whenever a petition is filed, a copy of the petition, including a copy of a summons, shall be served upon the other party to the marriage in the same manner as service of summons in civil actions generally.

*As added by P.L.1-1997, SEC.7.*

### **IC 31-15-3-8**

#### **Responsive pleading or counter petition**

Sec. 8. A responsive pleading or a counter petition may be filed under this chapter.

*As added by P.L.1-1997, SEC.7.*

### **IC 31-15-3-9**

#### **Decree; term; findings**

Sec. 9. In an action for legal separation under section 2 of this chapter, the court may grant a decree for a separation of the parties to the marriage for a period not to exceed one (1) year if the court finds that:

- (1) conditions in or circumstances of the marriage make it currently intolerable for both parties to live together;
- (2) the marriage should be maintained; and
- (3) neither party has filed a petition or counter petition for dissolution of marriage under IC 31-15-2 (or IC 31-1-11.5 before its repeal).

*As added by P.L.1-1997, SEC.7.*

**IC 31-15-3-10****Scope of decree**

Sec. 10. A decree under this chapter may include orders as provided in this article.

*As added by P.L.1-1997, SEC.7.*

**IC 31-15-3-11****Maintenance**

Sec. 11. A decree under this chapter may not include a maintenance provision that extends beyond the period of legal separation.

*As added by P.L.1-1997, SEC.7.*